

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE: AHMEDALI PANJWANI	)	CHAPTER 7
	)	
Debtor.	)	
	)	CASE NO.: 15-65867-MGD
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AHMEDALI PANJWANI	)	
	)	
Movant,	)	
	)	
v.	)	
	)	
BOTTLING GROUP, LLC DBA THE	)	
PEPSI BOTTLING GROUP AND	)	
PEPSI-COLA ADVERTISING AND	)	
MARKETING, INC.	)	
	)	
Respondent.	)	

**MOTION TO AVOID JUDICIAL LIEN**

Debtor, AHMEDALI PANJWANI, moves the Court, pursuant to 11 U.S.C. § 522 (f)(1) and Bankruptcy Rule 4003 (d) for an order avoiding the judicial lien of BOTTLING GROUP, LLC DBA THE PEPSI BOTTLING GROUP AND PEPSI-COLA ADVERTISING AND MARKETING, INC. and shows the court as follows:

1.

Debtor commenced this Chapter 7 case on August 21, 2015 (the "Petition Date").

2.

Respondent obtained a judgment lien against Debtor in the amount of approximately \$37,962.29 with future interest, on or about July 27, 2015. Respondent filed a FiFa against Debtor with the Clerk of State Court, Dekalb County, Georgia, on August 19, 2015 in Lien Book 1665, Page 91 (the "Original Lien"). A copy of the Lien is attached hereto as Exhibit "A".

3.

Respondent's Lien has created a cloud on the title of all real and personal property owned by the Debtor and such Lien impairs Debtor's exemptions to which Debtor is entitled pursuant to the schedules in Debtor's voluntary Chapter 7 petition.

4.

Pursuant to 11 U.S.C. § 522(f)(2), Respondent's Lien impairs the exemption claimed by Debtor in the property identified in Debtor's voluntary bankruptcy petition schedules to the extent that the sum of (i) the amount of Respondent's Lien, (ii) all other liens on the Debtor's real and personal property and (iii) the amount of the exemption that the Debtor could claim if there were no liens on the property exceeds the value that the Debtor's interest in the property would have in the absence of any liens.

5.

WHEREFORE, Debtor prays that the Court enters an Order avoiding Respondent's Lien and grants Debtor such other and further relief as the Court deems equitable.

Respectfully submitted, this 6<sup>th</sup> day of December, 2017.

          /s/            
Howard Slomka, Esq.  
GA Bar #652875  
Attorney for Debtor  
Slipakoff & Slomka, PC  
2859 Paces Ferry Road  
Overlook III, Suite 1700  
Atlanta, GA 30339  
(404) 800-4001

**EXHIBIT A**

FIFA



LIEN BOOK

1665 Pg 91

Filed and Recorded:

8/19/2016 9:46:04 AM

Debra DeBerry

Clerk of Superior Court  
DeKalb County, Georgia

# STATE COURT OF DEKALB COUNTY

## GEORGIA, DEKALB COUNTY

### WRIT OF FIERI FACIAS

BOTTLING GROUP, LLC DBA: THE PEPSI  
BOTTLING GROUP AND PEPSI-COLA  
ADVERTISING AND MARKETING, INC.

14A52902-1  
JULY 27, 2015

CASE NUMBER  
JUDGMENT DATE

Plaintiff(s)

Vs.

Plaintiff's Attorney- Name, Address &amp; Telephone

VIVIAN HUDSON UCHITEL  
SIMPSON, UCHITEL & WILSON, L.L.P.  
P.O. BOX 550105  
ATLANTA, GA 30355-2505

AHMEDALI PANJWANI

Defendant(s)

To the Marshal of the State Court of DeKalb County or his  
lawful Deputies and to all and singular the Sheriffs of the  
State or their lawful Deputies: and to all lawful Constables  
of said State.

In the above styled case, and on the judgment date set  
out, the plaintiff(s) named above recovered against the  
defendant(s) named above, judgment in the following  
sums.

27213.25	Principal
6980.20	Interest
0.00	Other
3444.34	Attorney's Fees
324.50	Court Costs
37962.29	Total

NOTE:

with future interest upon said principal amount from the date of judgment at the legal rate, 18%

Therefore, YOU ARE COMMANDED, that the goods and chattels, lands and tenements of said defendant(s), and  
ESPECIALLY/ONLY of the following described property, to wit:

You cause to be made the several sums set out in the foregoing recital of the judgment in this case and have the  
said several sums of money before the State Court of this County at the next term of court, with this Writ to render  
to said plaintiff(s) the principal, interest, attorney fees and cost aforesaid.

Witness the Honorable Judges of said Court.

This August 14, 2015.

Melanie F. [Signature]  
State Court of DeKalb County

By: [Signature]  
Deputy Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
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ATLANTA DIVISION**

IN RE: AHMEDALI PANJWANI )

CHAPTER 7

Debtor. )

CASE NO.: 15-65867-MGD

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AHMEDALI PANJWANI )

Movant, )

v. )

BOTTLING GROUP, LLC DBA THE )  
PEPSI BOTTLING GROUP AND )  
PEPSI-COLA ADVERTISING AND )  
MARKETING, INC. )

Respondent. )

**NOTICE OF REQUIREMENT OF RESPONSE TO MOTION TO AVOID JUDICIAL  
LIEN ON EXEMPT PROPERTY AND OF TIME TO FILE SAME**

Notice is hereby given that a Motion to Avoid Judicial Lien on exempt property pursuant to 11 U.S.C. § 522 has been filed in the above styled action on or about the 6<sup>th</sup> day of December, 2017. Notice is further given that, pursuant to Local Rule BLR 6008-1 N.D.G.A., [BLR 755-2], the Respondent shall file a response to the motion within twenty-one (21) days after service, exclusive of the day of service, and serve a copy on Movant. In the event that no response is timely filed and served, the motion will be deemed unopposed and the Bankruptcy Court shall enter an order granting the relief sought. In the event that the motion is timely controverted, the Bankruptcy Court may schedule a hearing on notice to the movant, respondent or order such other proceedings as may be appropriate.

Dated and served this 6<sup>th</sup> day of December, 2017.

/s/

Howard P. Slomka, Esq.

GA Bar No. 652875

Attorney for Debtor

Slipakoff & Slomka, PC

2859 Paces Ferry Road

Overlook III, Suite 1700

Atlanta, GA 30339

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NORTHERN DISTRICT OF GEORGIA  
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AHMEDALI PANJWANI )

Movant, )

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BOTTLING GROUP, LLC DBA THE )  
PEPSI BOTTLING GROUP AND )  
PEPSI-COLA ADVERTISING AND )  
MARKETING, INC. )

Respondent. )

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the within and foregoing Motion to Avoid Judicial Lien and Notice of Requirement of Response to Motion to Avoid Judicial Lien on Exempt Property and of Time to File Same pursuant to 11 U.S.C. § 522(f)(1) by depositing same in the United States Mail with adequate postage affixed thereto to insure delivery addressed as follows:

Robert Trauner  
Chapter 7 Trustee  
P. O. Box 421025  
Atlanta, GA 30342

Office of the United States Trustee  
362 Richard Russell Building  
75 Ted Turner Drive, SW  
Atlanta, GA 30303

Ahmedali Panjwani  
2409 Mill Ridge Trail  
Atlanta, GA 30345

Bottling Group, LLC  
dba The Pepsi Bottling Group  
c/o Vivian Hudson Uchitel  
Simpson, Uchitel & Wilson, LLP  
PO Box 550105  
Atlanta, GA 30355-2505

Bottling Group, LLC  
PepsiCo North America Beverages  
1111 Westchester Avenue  
White Plains, NY, 10604-3525

Bottling Group, LLC  
c/o CT Corporation System, Registered Agent  
289 S Culver Street  
Lawrenceville, GA 30046-4805

DATED: December 6, 2017

\_\_\_\_\_/s/  
Howard P. Slomka, Esq.  
GA Bar No. 652875  
Attorney for Debtor  
Slipakoff & Slomka, PC  
2859 Paces Ferry Road  
Overlook III, Suite 1700  
Atlanta, GA 30339  
(404) 800-4001